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### **REMARKS**

Reconsideration of the application as amended is respectfully requested.

The examiner objected to the drawings for showing a section view in Figure 2 that shows the top of the actuator. The applicant has submitted proposed drawing amendment for Figure 2, wherein "42" has been omitted and the switch "18" has been properly cross-hatched in accordance with the drawing requirements.

The examiner also objected to the drawing in Figure 3 for being incapable of bridging the terminals to complete an electrical circuit, as contact 48 is not urged against body 44. The applicant has submitted proposed drawing amendment for Figure 3, wherein the length of first contact "46" has been lengthened and the second contact "48" has been shortened, thereby providing the proper bridging of the contacts for completing an electrical circuit, as was envisioned by the applicant but inadvertently reversed in drafting.

The examiner further objected to the drawing in Figure 3 for failing to properly cross-hatch an insulating material 16b. The applicant has submitted a proposed drawing amendment for Figure 3, wherein the insulating material 16b has been properly cross-hatched to reflect that the cross-section is insulating material.

The examiner also objected to the typographical and grammatical errors contained within the specification. The specification has been amended to correct the typographical and grammatical errors noted by the examiner.

The examiner respectfully rejected Claims 1 and 6-12 under 35 U.S.C. § 112, second

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paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1 and 6-12 have been amended to comply with 35 U.S.C. § 112, second paragraph.

Claims 1-4, 6-8, and 10-12 have been amended and should be in a condition for allowance.

Claim 5 has been canceled without prejudice, wherein the limitations of Claim 5 have been incorporated into the amended Claim 2.

Claim 9 is unchanged and remains as originally submitted.

The examiner respectfully rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Osika.

In undertaking to determine whether one reference anticipates another under 35 U.S.C. § 102(b), a primary tenet is that the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Several differences exist between the invention claimed in Osika and the currently claimed invention.

The present invention uses a plug incorporated into a housing, an electrical receptacle opposite to the plug and a rocker switch. Osika has a plug and a rocker switch. However, and

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unlike the present invention, the plug is not incorporated into the housing, but instead extends from an extension cord (26). Additionally, the rocket switch in Osika requires the use of a locking key (21) for movement of the switch to either the on or off position. Therefore, and in light of the noted differences between the present invention and Osika, the examiner's rejection of Claim 1 under 35 U.S.C. § 102(b) is inappropriate.

The examiner respectfully rejected Claims 2-4, 6, 7 and 9 under 35 U.S.C. § 102(b) as being anticipated by Freeman. However, several differences exist between the present invention and Freeman. These include male blade connectors opposite female receptacles, and inclusion of a housing mounted switch (as opposed to a remotely actuated toggle arms). Further, Claim 2 has been amended and should be in a condition for allowance. Claims 2-3, 6, 7, and 9 have also been amended and are dependent upon amended independent Claim 2, and therefore should be in a condition for allowance.

The examiner respectfully rejected Claims 5 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Freeman and in view of Osika. Claim 5 has been canceled and the limitations of Claim 5 have been added to Claim 2 as amended.

Some of the differences between Freeman, Osika and the present invention have been noted above.

As to Claim 5 (amended Claim 2), the present invention claims a ground prong extending from a first end of an electrical interrupt switch. Freeman does not have ground prongs. Osika does not have a ground prong extending from a first end. Osika has an internal ground wire and terminal.

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and has a receptacle for receiving a ground prong, but Osika fails to disclose a ground prong extending from a first end that is capable of insertion into an electrical outlet.

As to Claim 12, the present invention claims a ground prong in electrical communication with a ground receptacle. Osika discloses a ground receptacle communicating with an internal ground conductor, and not an external ground prong.

Based on the differences between Freeman, Osika and the present invention, the examiner's rejection of Claims 5 and 12 under 35 U.S.C. § 103(a) is inappropriate.

The examiner respectfully rejected Claims 7-11 under 35 U.S.C. § 103(a) as being unpatentable over Freeman and in view of Lockard.

The differences between Freeman and the present invention have been stated above.

Claim 7 has been amended.

As to Claim 8, the present invention claims a rocker switch having a pair of flat and intersecting surfaces. Lockard has a knob (30) having an uneven surface, wherein the surface has notches and flares.

As to Claim 9, the present invention claims a rocker switch with a cam-shaped arcuate body. The examiner referenced an arcuate portion (22a) of a contact (8) in Lockard as rendering obvious the limitations of Claim 9. However, the arcuate portion of the contact are not similar, as the contact bridges the electrical communication between 46a and 48a. Further, the knob (30) does not have an arcuately shaped portion at its lower portion.

As to Claim 10, the present invention claims first and second electrical conductive contacts,

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wherein the first and second contacts are urged against one another by the switch to complete an electrical circuit. In Lockard, the opposite is true. The contacts 46a and 48a are actually separated, and a bottom portion (25) and a beam (26) bridge the separation of the contacts. Thus, this reference actually teaches away from the present invention as claimed in Claim 10.

As to Claim 11, the present invention claims a set of parallel switching conductors capable of supplying electrical current to corresponding blade connectors. However, Lockard does not provide switchable electrical continuity between receptacles and blade connectors. As can best be discerned from Lockard, there are no receptacles for insertion of an electrical plug.

Thus, the examiner's rejection of Claims 7-11 under 35 U.S.C. § 103(a) is inappropriate.

Based upon the above arguments, it is felt that the differences between the present invention and all of these references are such that rejection based upon 35 U.S.C. § 103(a), in addition to any other art, relevant or not, is also inappropriate. However, by way of additional argument applicant wishes to point out that it is well established at law that for a proper *prima facie* rejection of a claimed invention based upon obviousness under 35 U.S.C. § 103(a), the cited references must teach every element of the claimed invention. Further, if a combination is cited in support of a rejection, there must be some affirmative teaching in the prior art to make the proposed combination. See Orthopedic Equipment Company, Inc. et al. v. United States, 217 USPQ 193, 199 (Fed. Cir. 1983), wherein the Federal Circuit decreed, "Monday Morning Quarter Backing is quite improper when resolving the question of obviousness." Also, when determining the scope of teaching of a prior art reference, the Federal Circuit has declared:

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"[t]he mere fact that the prior art could be so modified should not have made the modification obvious unless the prior art suggested the desirability of the modification." (Emphasis added). In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

There is no suggestion as to the desirability of any modification of the references to describe the present invention. An analysis of the disclosures within the cited references fails to cite every element of the claimed invention. When the prior art references require a selective combination to render obvious a subsequent claimed invention, there must be some reason for the selected combination other than the hindsight obtained from the claimed invention itself. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 227 USPQ 543 (CAFC 1985). There is nothing in the prior art or the Examiners arguments that would suggest the desirability or obviousness of making an electrical interrupt switch having a plug extending from one end of a housing, an electrical receptacle positioned at an opposite end of the housing, and a switch for opening and closing the electrical current. Uniroyal, Inc. v. Rudkii-Wiley Corp., 837 F.2d 1044, 5 USPQ 2d 1432 (CAFC 1988). The examiner seems to suggest that it would be obvious for one of ordinary skill to attempt to produce the currently disclosed invention. However, there must be a reason or suggestion in the art for selecting the design, other than the knowledge learned from the present disclosure. In re Dow Chemical Co., 837 F.2d 469, 5 USPQ 2d 1529 (CAFC 1988); see also In re O'Farrell, 853 F.2d 894, 7 USPQ 2d 1673 (CAFC 1988).

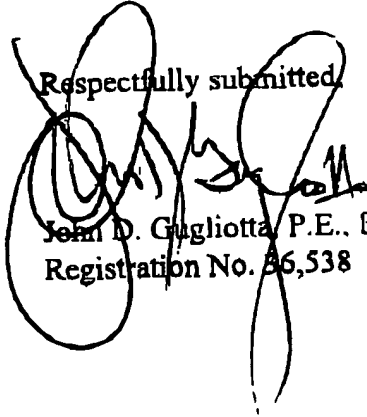
To summarize, it appears that only in hindsight does it appear obvious to one of ordinary skill in the pertinent art to combine the present claimed and disclosed combination of elements. To reject the present application as a combination of old elements leads to an improper analysis of the

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claimed invention by its parts, and instead of by its whole as required by statute. Custom Accessories Inc. v. Jeffery-Allan Industries, Inc., 807 F.2d 955, 1 USPQ 2d 1197 (CAFC 1986); In re Wright, 848 F.2d 1216, 6 USPQ 2d 1959 (CAFC 1988).

Therefore, in view of foregoing amendments and clarifications, the applicant submits that allowance of the present application and all remaining claims, as amended, is in order and is requested.

Respectfully submitted,

  
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**In the Claims**

Claims 2 and 8 is unchanged and remain as submitted in the previous amendment.

Please amend the following claims by deleting the language which is enclosed in brackets "[ ]" and inserting the language which is underlined "\_\_\_\_\_".

1. (Once Amended) An electrical interrupt switch for allowing [the] disconnection of electrical plug-connected equipment without removing [the] an electrical plug from [the] a receptacle, said switch comprising:

a [standard] 120 VAC plug at a first end;

a corresponding receptacle at a second end for allowing [for the] connection of [a conventional] an electrical power cord, said receptacle in [electrical continuity] rigid mechanical contact with said plug; and

a rocker switch that allows [the] a user to interrupt [said electrical continuity] flow of electrical current.

2. (Once Amended) An electrical interrupt switch comprising:

a housing having a first end opposite a second end and a top surface;

a pair of male blade connectors extending outward from said first end;

a ground prong extending outward from said first end;

female receptacle connectors penetrating said second end opposite said male blade connectors; [and]



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a ground receptacle in electrical communication with said ground prong; and  
switch means accessible through said top surface for allowing a user to open or close an  
electrical circuit between said male blade connectors and said female receptacle connectors,  
respectively.

3. (Once Amended) The electrical interrupt switch of Claim 2, wherein said male blade  
connectors are sized for a [standard] 120 VAC plug which connects to [common] 120 VAC  
outlets.

4. (Once Amended) The electrical interrupt switch of Claim 2, wherein said female receptacle  
connectors allow for the connection of [a conventional] an electrical power cord.

5. Canceled.

6. (Once Amended) The electrical interrupt switch of Claim 2, wherein said housing has a  
compact overall outer dimension [approximately] one inch high, one inch wide and three inches  
long.

7. (Once Amended) The electrical interrupt switch of Claim 2, wherein said switch means  
comprises a rocker switch, and wherein said housing pivotally supports said rocker switch about  
a pivoting axle, thereby providing said rocker switch with angular movement for opening or

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closing said electrical circuit between conductive contacts.

8. (Once Amended) The electrical interrupt switch of Claim 7, wherein said rocker switch further comprises a pair of flat[, acutely] and intersecting [touching] surfaces about [the] an upper portion of [the] said rocker switch.

10. (Once Amended) The electrical interrupt switch of Claim 9, [further comprising] wherein said conductive contacts comprise:

a first electrically conductive contact supported along a first side of said body;

a second electrically conductive contact having a first end opposite a second end, said first end in electrical communication with [a] said receptacle connectors and said second end [spring urged against] biased toward a second side of said body such that as said rocker switch is articulated, [electrical continuity is created between one receptacle connector, through one second contact to one first contact to one blade connector.] said first electrical conductive contact engages said blade connectors at one end and engages said second electrical conductive contact at an opposite end, thereby creating electrical continuity between said receptacle connector, through said second electrical conductive contact, to said first electrical conductive contact and to said blade connector.

11. (Once Amended) The electrical interrupt switch of Claim 10, wherein parallel switching

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conductors of identical configuration are mounted about said body such that each receptacle connector is [switched between] switchable to electrical continuity [to] of a respective blade connector.

12. (Once Amended) The electrical interrupt switch of Claim 2, further comprising a ground prong in continuous electrical communication with a ground receiving receptacle such that ground continuity is not [effected] influenced by position or operation of said switching means.